

2/27/07

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner:	Mark Dinsmore		
Application No.:	10/790636	Filed:	3/1/2004
Patent No.:	n/a	Issue Date:	n/a
Docket Number:	082251-0192		
Entitled:	OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE HAVING SPIRAL SHAPED THERMIONIC CATHODE		
Carl Zeiss AG	corporation		
(Name of Assignee)	(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)		

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title, and interest  
The extent (by percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame \_\_\_\_\_ or for which a copy thereof is attached.

OR

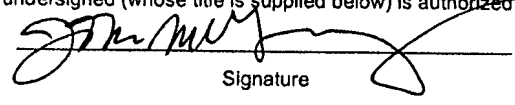
B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above which is a reissue of 09/884,229, to the current assignee as shown below:

1. From: Mark Dinsmore To: Photoelectron Corporation  
The document was recorded in the United States Patent and Trademark Office at Reel 012640, Frame 0834, or for which a copy thereof is attached.
2. From: Photoelectron Corporation To: Carl-Zeiss-Stiftung d/b/a Carl Zeiss  
The document was recorded in the United States Patent and Trademark Office at Reel 014981, Frame 0591, or for which a copy thereof is attached.
3. From Carl-Zeiss-Stiftung d/b/a Carl Zeiss To: Carl Zeiss AG  
The document was recorded in the United States Patent and Trademark Office at Reel 017555, Frame 0001, or for which a copy thereof is attached.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Feb. 26, 2007  
Date

John M. Garvey  
Printed or Typed Name

(617) 342-4085  
Telephone Number

Attorney for Applicant  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/80 (12-03)

Approved for use through 11/30/2005, OMB 0851-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 48329

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 48329

OR

<input type="checkbox"/> Firm or individual Name			
Address			
City	State	Zip	
Country			
Telephone	Fax		

Assignee Name and Address:

CARL ZEISS AG  
Carl-Zeiss-Strasse 22  
73446 Oberkochen  
Germany

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Company Name	CARL ZEISS AG		
Name	pos. K. Gnappig	Dr. Gauss	
Signature			Date
Title	Director	Manager	Telephone
		+49 (0)7364 20 2641	

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.**

**Total Assignments: 3****Patent #:** 6493419**Issue Dt:** 12/10/2002 **Application #:** 09884229 **Filing Dt:** 06/19/2001**Publication #:** US20020191745 **Pub Dt:** 12/19/2002**Inventor:** Mark Dinsmore**Title:** OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE HAVING A SPIRAL-SHAPED THERMIONIC CATHODE**Assignment: 1****Reel/Frame:** 012640/0834**Recorded:** 02/25/2002**Pages:** 4**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** DINSMORE, MARK**Exec Dt:** 01/25/2002**Assignee:** PHOTOELECTRON CORPORATION5 FORBES ROAD -SUITE 2  
LEXINGTON, MASSACHUSETTS 02421**Correspondent:** MCDERMOTT, WILL & EMERYELIZABETH E. KIM  
28 STATE STREET  
BOSTON, MA 02109**Assignment: 2****Reel/Frame:** 014981/0591**Recorded:** 02/17/2004**Pages:** 44**Conveyance:** ASSET PURCHASE AGREEMENT**Assignor:** PHOTOELECTRON CORPORATION**Exec Dt:** 06/04/2003**Assignee:** CARL-ZEISS-STIFTUNG DOING BUSINESS AS CARL ZEISSCARL ZEISS STRASSE 22  
OBERKOCHEN, GERMANY 73447**Correspondent:** MARK G. LAPPIN, P.C.28 STATE STREET  
BOSTON, MA 02109**Assignment: 3****Reel/Frame:** 017555/0001**Recorded:** 02/13/2006**Pages:** 84**Conveyance:** CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).**Assignor:** CARL-ZEISS-STIFTUNG DOING BUSINESS AS ZEISS, CARL **Exec Dt:** 04/20/2004**Assignee:** CARL ZEISS AGCARL ZEISS STRASSE 22  
OBERKOCHEN, GERMANY 73447**Correspondent:** MARK G. LAPPIN

GREENBERG TRAURIG  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web interface last modified: July 26, 2006 v.1.10

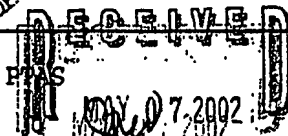
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MAY 01, 2002

MCDERMOTT, WILL & EMERY  
ELIZABETH E. KIM  
28 STATE STREET  
BOSTON, MA 02109



MW8E

Commissioner for Trademarks  
Arlington, VA 22202-3513  
www.uspto.gov



\*102009657A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/25/2002

REEL/FRAME: 012640/0834  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DINSMORE, MARK

DOC DATE: 01/25/2002

ASSIGNEE:  
PHOTOELECTRON CORPORATION  
5 FORBES ROAD -SUITE 2  
LEXINGTON, MASSACHUSETTS 02421

SERIAL NUMBER: 10005290  
PATENT NUMBER:

FILING DATE: 12/04/2001  
ISSUE DATE:

SERIAL NUMBER: 60229204  
PATENT NUMBER:

FILING DATE: 08/31/2000  
ISSUE DATE:

SERIAL NUMBER: 09884664  
PATENT NUMBER:

FILING DATE: 06/19/2001  
ISSUE DATE:

SERIAL NUMBER: 09884561  
PATENT NUMBER:

FILING DATE: 06/19/2001  
ISSUE DATE:

012640/0834 PAGE 2

SERIAL NUMBER: 10005289  
PATENT NUMBER:

FILING DATE: 12/04/2001  
ISSUE DATE:

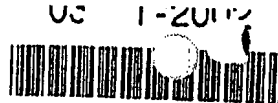
SERIAL NUMBER: 09884229 *56249-101*  
PATENT NUMBER: *PHIL-157*

FILING DATE: 06/19/2001  
ISSUE DATE:

SERIAL NUMBER: 10005287 *56249-101*  
PATENT NUMBER: *PHIL-157*

FILING DATE: 12/04/2001  
ISSUE DATE:

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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102009657

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Mark Dinsmore

2. Name and address of receiving party(ies):

Name: Photoelectron Corporation

Internal Address: \_\_\_\_\_

Street Address: 5 Forbes Road - Suite 2

City: Lexington State: MA ZIP: 02421

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: January 25, 2002

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

10/005,290      09/884,561      09/884,229  
60/229,204      10/005,289      10/005,287  
09/884,664

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Elizabeth E. Kim

Internal Address: McDermott, Will & Emery

Street Address: 28 State Street

03/11/2002 6TON11 00000075 10005290

01 FC:581

City: Boston

280.00 00

State: MA ZIP: 02109

6. Total number of applications and patents involved: 7

7. Total fee (37 CFR 3.41):.....\$ 280.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

50-1133

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Elizabeth E. Kim

Elizabeth E. Kim

February 6, 2002

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

## ASSIGNMENT OF PATENT RIGHTS

I, Mark Dinsmore, of 85 Horse Pond Road, Sudbury, MA 01776, having invented certain inventions and improvements embodied and described in the patent applications (the "Patent Applications") listed in the attached Schedule of Patent Applications and which forms part of this Assignment, for \$1 and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged from Photoelectron Corporation., a Massachusetts Corporation having a principal place of business at 5 Forbes Road - Suite 2, Lexington, MA 02421-7305 USA, and hereinafter referred to as the Assignee (which term shall include the successors and assigns), do hereby sell, assign and transfer to the Assignee my entire right, title, and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said application (which term shall include hereinafter where the context so admits all divisional, continuing, reissue and other patent applications based thereon) and all inventions (which term shall include each and every such invention, or any part thereof) therein described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or on said application.

And for the same consideration I do also hereby sell, assign and transfer unto the Assignee all my rights under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty and all other treaties of like purpose in respect of said inventions and said application, and do hereby authorize the Assignee to apply in my name or in its own name (in a manner to be agreed upon by the Assignee) or its designee, for patents and like rights of exclusion on or for said inventions in all countries, claiming (if the Assignee so desires) the priority of the filing date of said application under the provisions of said Convention, Treaty or any such other Convention or Treaty;

And for the same consideration I do hereby agree for myself and for my heirs, executors and administrators, promptly upon request of the Assignee, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said inventions, application, and said several patents and like rights of exclusion, or any of them, all, however, at the expense of the Assignee;

And I do hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and the corresponding Official of each country foreign thereto to issue to the Assignee any and all patents and like rights of exclusion which may be granted in any country upon said application or on or for said inventions;

And I do hereby covenant for myself and for my respective legal representatives and agree with the Assignee that I have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed my right, title and interest in and to said inventions has not been otherwise encumbered by me, and that I have not executed and will not execute any instrument in conflict herewith.



IN WITNESS WHEREOF, I hereunto set my hand and seal on the day and year hereinafter noted.



Mark Dinsmore

State of Massachusetts  
County of United States ss.

Before me this 25<sup>th</sup> day of January, 2002, personally appeared Mark Dinsmore, and acknowledged the foregoing instrument to be his or her free act and deed.

Elizabeth E. Kim  
Notary Public

SEAL

PHLL-000 (56249-010)

McDERMOTT, WILL & EMERY  
28 State Street  
Boston, MA 02109  
(617) 535-4000

**MARK DINSMORE ASSIGNMENT**

**SCHEDULE OF PATENT APPLICATIONS**

The Patent Applications include:

- 1) U.S. Patent Application Serial Number 10/005,290, filed December 4, 2001, entitled THERAPEUTIC RADIATION SOURCE WITH IN SITU RADIATION DETECTING SYSTEM
- 2) U.S. Patent Application Serial Number 09/884,561, filed June 19, 2001, entitled OPTICALLY DRIVE THERAPEUTIC RADIATION SOURCE
- 3) U.S. Patent Application Serial Number 09/884,229, filed June 19, 2001, entitled OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE HAVING A SPIRAL-SHAPED THERMIONIC CATHODE
- 4) U.S. Provisional Patent Application Serial Number 60/229,204, filed June 19, 2001, entitled OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE WITH VOLTAGE GRADIENT CONTROL
- 5) U.S. Patent Application Serial Number 10/005,289, filed December 4, 2001, entitled OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE INCLUDING A NON-PLANAR TARGET CONFIGURATION
- 6) U.S. Patent Application Serial Number 10/005,287, filed December 4, 2001, entitled THERAPEUTIC RADIATION SOURCE WITH INCREASED CATHODE EFFICIENCY
- 7) U.S. Patent Application Serial Number 09/884,664 filed June 19, 2001, entitled X-RAY SOURCE FOR MATERIALS ANALYSIS SYSTEMS